

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 31238 of 2004(R)

PETITIONER:

JAYARAM, KURISINGAL PARAMBU,
THOPPUMPADY, ERNAKULAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PALARIVATTOM, ERNAKULAM.
2. STATE OF KERALA, REP. BY THE
COMMISSIONER AND SECRETARY TO THE LABOUR
DEPARTMENT(GOVERNMENT), SECRETARIAT,
THIRUVANANTHAPURAM.
3. THE DEPUTY TAHSILDAR (RR),
KOCHI.
4. THE VILLAGE OFFICER,
THOPPUMPADY, KOCHI - 6.

R1 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
R2 TO 4 BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE JUDGMENT MADE IN O.P. NO.6335/99 DT.13.6.2002.

P2: TRUE COPY OF TELEGRAM ISSUED FROM THE OFFICE OF R1 EVIDENCING
ADJOURNMENT OF HEARING OF APPEAL TO 8.1.04 DT.3.1.04.

P3: TRUE COPY OF NOTICE DT.13.9.04 ISSUED U/S.7 OF THE R.R. ACT AGAINST THE
PETITIONER.

P4: .DO. U/S.34 OF .DO.

P5: TRUE COPY OF ORDER PASSED BY GOVT. IN G.O.NO.(rt)145/2004/LBR. DT.15.1.04 PASSED
BY GOVT.

P6: TRUE COPY OF R.R. NOTICE ISSUED U/S.7 OF THE R.R. ACT DT.13.9.04.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.31238 of 2004
.....

Dated this the 19th day of November, 2007.

JUDGMENT

The petitioner is challenging Ext.P5 order which is issued by the Government after one round of writ petition vide Ext.P1 judgment. The contention raised by the petitioner is that the employees for whom Motor Transport Workers Welfare Fund contribution is demanded were partners along with him in the operation of stage carriage. However, I find from Ext.P5 that no demand is made for any of the five persons whom petitioner claims as partners in the business. The employees for whom demand is raised are entirely different from the persons whom petitioner claims as his partners. I do not find any justification to interfere with the appellate order with regard to finding of facts on these matters. There is no scope of giving fresh opportunity to the petitioner to substantiate his claim of partnership with these persons for whom demand is made, which he could not establish even prima facie before the appellate authority. The W.P. is therefore dismissed.

C.N.RAMACHANDRAN NAIR
Judge

pms